



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,585	02/19/2004	Herve Marche	034299-567	7714

  

7590	11/23/2007
Robert E. Krebs Thelen Reid & Priest LLP P.O. Box 640640 San Jose, CA 95164-0640	

  

EXAMINER	
GARCIA, ERNESTO	

  

ART UNIT	PAPER NUMBER
3679	

  

MAIL DATE	DELIVERY MODE
11/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/783,585

**Applicant(s)**

MARCHE, HERVE

**Examiner**

Ernesto Garcia

**Art Unit**

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-5, 7-15 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3, 7-11, 13-15 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 4, 5, 12 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "a first axis along a first horizontal axis" recited in claim 19, lines 2-3, and "a second axis along a second horizontal axis" recited in claim 19, lines 4-5.

#### ***Claim Objections***

Claim 19 is objected to because of the following informalities:

regarding claim 19, --said-- should be inserted before "rotation" in line 14 and --being-- should be inserted before "configured" in line 14. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4, 5, and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 4 and 22, the recitation "two plates in the load bearing structure" in claim 4, line 3, and claim 22, line 8, is not supported by the written description requirement. Note that Figures 1-3 only show the load bearing structure 54,54' comprised of one wall which is placed between the parallel plates of the suspended structure. See paragraph [0024]. Accordingly, these claims are not supported by the written description requirement.

Regarding claim 5, the claim depends from claim 4 and therefore is not supported by the written description.

Claims 4, 5, 12, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 3 and 22, the recitation "two plates in the load bearing structure" is misdescriptive and/or inaccurate. Note that Figures 1-3 only show one plate on the load bearing structure 54,54'.

Regarding claim 12, the recitation "the circular hinge pin further comprises at least one protrusion extending from an outer surface to prevent rotation with the first and second circular members" in lines 1-3 makes unclear whether this is an additional rotation prevention means than that recited in claim 19, lines 13-15, or the same rotation prevention means.

Regarding claim 5, the claim depends from claim 4 and therefore is indefinite.

***Allowable Subject Matter***

Claims 3, 7-11, 13-15, and 19-21 are allowed.

Claim 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 19, the prior art of record does not disclose or suggest a rotation prevention means provided between the coupling member, a first circular member, and a second circular member (lines 13-14) in combination with the coupling member being oriented along a third axis parallel and adjacent to a first axis of the first circular member and a second axis of the second circular member (lines 8-10) wherein the first axis and the second axis are respectively along a first horizontal axis and a second horizontal axis. The closest prior art, Swerer, 1,900,081, teaches the first axis and the second axis respectively along first and second vertical axes;

regarding claims 3, 7-15, and 17, these claims directly or indirectly depend from claim 19; and,

regarding claims 20 and 21, the prior art of record does not disclose or suggest an articulated junction device comprising first parts and a second part having one rotatable degree of freedom that is fixed along a hinge pin axis (lines 10-11) in combination with the first parts cooperating with plates in a suspended structure through spherical surfaces to define a ball-joint connection therebetween (lines 12-13). The closest prior art, Coone, 4,225,264, teaches the ball joint connection in Figure 4;

Art Unit: 3679

however, there is no motivation, absent applicant's own disclosure, to teach the rotatable degree of freedom fixed along the hinge pin axis since the hinge pin axis requires rotation.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The new recitation "two plates in the load bearing structure" in claim 4, line 3, and claim 22, line 8, and placing the allowable subject matter of claim 2 into claim 19 changed the scope of claim 12 and thus necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3679

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30AM-6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*E.G.*

E.G.

November 20, 2007



DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600